



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Christopher O. Murray, Esq.
Brownstein Hyatt Farber Schreck, LLP
410 Seventeenth Street, Suite 2200
Denver, CO 80202

JUL 31 2018

RE: MUR 7305
Colorado Republican Committee and
Richard Elsner in his official
capacity as treasurer

Dear Mr. Murray:

On July 26, 2018, the Federal Election Commission accepted the signed conciliation agreement, including a \$15,000 civil penalty, submitted on your client's behalf in settlement of a violation of 52 U.S.C. § 30104(b)(2)(F), a provision of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter.

Documents related to the case will be placed on the public record within 30 days. *See* Disclosure of Certain Documents in Enforcement and Other Matters, 81 Fed. Reg. 50,702 (Aug. 2, 2016). Information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. *See* 52 U.S.C. § 30109(a)(4)(B).

Enclosed you will find a copy of the fully executed conciliation agreement for your files. Please note that the first installment of the civil penalty is due within 30 days of the conciliation agreement's effective date. If you have any questions, please contact Ray Wolcott, the attorney assigned to this matter, at (202) 694-1302.

Sincerely,

A handwritten signature in black ink, appearing to read "Jin Lee", with a small "CP" or similar mark to the right.

Jin Lee
Assistant General Counsel

Enclosure
Conciliation Agreement

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)	
)	MUR 7305
Colorado Republican Committee)	
and Richard Elsner in his official)	
capacity as treasurer)	
)	

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission ("Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. Based on information obtained by the Commission about the Committee's activity during 2016, the Commission found reason to believe that the Colorado Republican Committee and Richard Elsner¹ in his official capacity as treasurer ("Respondents" or "Committee") violated 52 U.S.C. § 30104(b)(2)(F) of the Federal Election Campaign Act of 1971, as amended, (the "Act").

NOW, THEREFORE, the Commission and the Respondents, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

I. The Commission has jurisdiction over the Respondents and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 52 U.S.C.

§ 30109(a)(4)(A)(i).

II. Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondents enter voluntarily into this agreement with the Commission.

IV. The pertinent facts in this matter are as follows:

¹ Richard Elsner replaced Marty Neilson as the Committee's treasurer on November 20, 2017. Neilson was the treasurer at the time of the violations described in this agreement.

1. The Committee is a political committee within the meaning of 52 U.S.C. § 30101(4) and is not the authorized committee of any candidate.
 2. Richard Elsner is the Treasurer of the Committee. Mr. Elsner is named in this matter in his official capacity as treasurer, and not in his individual capacity.
 3. The Act requires committee treasurers to file reports of receipts in accordance with the provisions of 52 U.S.C. § 30104(b). 52 U.S.C. § 30104(a)(1). This requirement includes reporting transfers from other political party committees. 52 U.S.C. § 30104(b)(2)(F).
 4. The Committee received a transfer of \$132,560 from the Republican National Committee ("RNC") on October 3, 2016.
 5. The Committee was required to, but did not, report the transfer on its 2016 12-Day Pre-General Election Report.
 6. The Committee did not report the transfer until January 31, 2017, when the Committee filed an Amended 2016 12-Day Pre-General Election Report.
- V. 1. The Committee violated 52 U.S.C. § 30104(b)(2)(F) by failing to disclose the transfer of \$132,560 it received from the RNC on October 3, 2016, on its 2016 12-Day Pre-General Election Report.
- VI. 1. Respondents will pay a civil penalty to the Commission in the amount of Fifteen Thousand dollars (\$15,000), pursuant to 52 U.S.C. § 30109(a)(5)(A). The civil penalty will be paid as follows:
- a. A payment of Five Thousand dollars (\$5,000) is due no more than thirty (30) days from the date this Agreement becomes effective.
 - b. Thereafter, two consecutive monthly installments of Five Thousand dollars (\$5,000) each;
 - c. Each such installment shall be paid within thirty (30) days of the due date of the previous payment;

d. In the event that any payment is not received by the Commission by the fifth day after it becomes due, the Commission may, at its discretion, accelerate the remaining payments and cause the entire amount to become due upon ten days written notice to the Respondents. Failure by the Commission to accelerate the payments with regard to any overdue payment shall not be construed as a waiver of its right to do so with regard to further overdue payments.

2. Respondents will cease and desist from committing violations of 52 U.S.C. § 30104(b)(2).

VII. The Commission, on request of anyone filing a complaint under 52 U.S.C. § 30109(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

VIII. This agreement shall become effective as of the date that all parties hereto have executed the same and the Commission has approved the entire agreement.

IX. Respondents shall have no more than 30 days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

X. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement shall be enforceable.

FOR THE COMMISSION:

Lisa J. Stevenson
Acting General Counsel

BY: Kathleen M. Guith
Kathleen M. Guith
Associate General Counsel
For Enforcement

7/31/18
Date

FOR THE RESPONDENTS:

Chris Murray
Chris Murray
General Counsel

June 21, 2018
Date